

## REMARKS

### 35 U.S.C. § 112

Claims 28-29, 37, 40-43, 45-47 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is a basis of the rejection that the skin and lining material cannot be described as having a fold line to permit folding of the device to conform to the shape of a person's body and also claim that the material is non-deformable.

In view of the amendments requested herein, this rejection is respectfully traversed. With reference to the term "non-deformable," it is to be noted that all materials are deformable if sufficient force is applied thereto, and being absolutely non-deformable is not possible. What was intended by that term was that the material should be non-deformable under the loads that it will experience in use. The term has been amended to recite "substantially non-deformable material." Support for this amendment is found in paragraph 0005 of the original specification. Further, the provision linear parts of the body armour as fold lines that are considerably thinner than the main parts, provides that the body armour can bend at those fold lines.

### 35 U.S.C. § 102

Claims 28-29, 40-43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Pratt. In particular, the rejection is that Pratt discloses a protective body armour comprising: a) a skin and honeycomb lining (12, 34, col. 2, lines 51-57); b) bounding inner walls (34); c) a cup-shaped lining (12, see fig. 4); d) a non-uniform thickness to form a fold line (see fig. 4); portion adjacent lead line for 26 that is a cut of reduced thickness, and e) elliptical shape (see figs. 1, 2). This rejection is respectfully traversed.

Claim 28 (Currently Amended) recites that “the skin and honeycomb lining are formed of a material that is substantially non-deformable.” Pratt fails to teach or suggest this limitation. Pratt discloses a protective body armour having a shielding element and a cushioning element secured to the rim of the shielding element but spaced from the central region of the shielding element by a cavity. The shielding element has a skin and honeycomb lining formed integrally with each other and made from a semi-soft, resilient material. Protection of the person is provided by the resilience of the shielding element and the flexing of the soft cushioning element in to the cavity. This construction may not be as suitable for high impact loads as the substantially non-deformable material of the present invention. This prior disclosure leads one away from the single layer, substantially non-deformable material construction claimed in the present application. This fundamental difference between the intention of the material of Pratt and the material of the claimed invention constitutes an inventive departure from the known technology. Hence, it is believed that the claim 28 as now presented is allowable. Since all of the other claims currently on file, including the claims to the non-elected species, depend directly or indirectly from claim 28, it is believed that such claims are allowable.

### 35 U.S.C. § 103

Claims 37 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt in view of Ward et al. In particular, the rejection is that Pratt discloses a protective body amour and that Ward et al. teaches an armor material that is a translucent polyethylene material. This rejection is respectfully traversed.

As noted above, Claim 28 (Currently Amended) recites that “the skin and honeycomb lining are formed of a material that is substantially non-deformable.” Both Pratt and Ward et al.

fail to teach or suggest this limitation. For the reasons noted above, it is believed that claims 37 and 46-47 are allowable.

## CONCLUSION

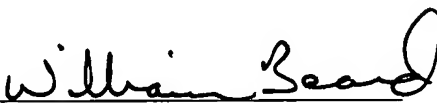
The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned agent for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is required. If a fee is required, please accept this transmittal as a petition therefore and charge any fee to Baker Botts L.L.P. (*formerly, Baker & Botts, L.L.P.*) Deposit Account No. 02-0383, Order No. (075254.0102) for any other charges necessary for the filing of this response to office action.

BAKER BOTTS L.L.P. (023640)

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By:   
R. William Beard, Jr.  
Reg. No. 39,903  
One Shell Plaza  
910 Louisiana Street  
Houston, Texas 77002-4995  
Telephone: 713.229.1732  
Facsimile: 713.229.7732  
ATTORNEYS FOR APPLICANTS